

USPTO Serial Number: 10/676,621

Applicant: Manoj Modi

RESPONSE TO OFFICE ACTION MAILED AUGUST 27, 2007

REMARKS

The Office Action objects to claim 18 as being dependent from a cancelled claim. Applicants have amended claim 18 to depend from pending claim 9.

The Office Action rejects claims 1, 2, 7-12, 16, and 18-29 under 35 U.S.C. 112, second paragraph. In accordance with Applicants' telephone conversation with the Examiner, in claim 1, Applicants have removed the language "total" and "sufficient for"; in claims 9, 19, and 25, Applicants have removed the language "total"; in claim 9, Applicants have removed the language "substantially similar." The amendments are believed to overcome the 112 rejection.

Applicants believe that claims 1, 2, 7, and 8 are in condition for allowance as per the Examiner's statement in the present Office Action.

The Office Action rejects claims 9-12, 16, and 18-29 under 35 U.S.C. 103(a) as being unpatentable over US patent 6327574 (Kramer) in view of US patent 4722055 (Roberts) and further in view of US patent publication 2004/0133493 (Ford).

Applicants have amended claim 9 to recite a method of using a central database to compile real property information comprising the step of storing real property information from a portfolio of real properties on the central database. The real property includes land and related structures and infrastructures. The real property information is organized into a plurality of records to aid in retrieval of the real property information based on specific requests therefor. The method further includes the steps of providing a first set of real properties selected from the portfolio of real properties, each

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real property within the first set containing the same types of real property information, determining a valuation of each of the portfolio of real properties, and offering the first set of real properties from the portfolio of real properties as collateral in a loan package such that a valuation of the set of real properties is at least equal to a value of the loan package. The method further includes the steps of providing access to the real property information related to the first set of real properties for a first user through a website by providing a log-in code to the first user which limits the first user to viewing real property information related to the first set of real properties, providing search selections for the first user to search based on attributes of the first set of real properties and retrieve the real property information from the central database based on the search of the first set of real properties, and displaying the real property information related to the first set of real properties which is approved for user viewing.

Applicants submit that Kramer, Roberts, and Ford, taken singularly or in combination, do not teach or suggest the step storing real property information from a portfolio of real properties on the central database. The real property includes land and related structures and infrastructures. The real property information is organized into a plurality of records to aid in retrieval of the real property information based on specific requests therefor.

The Examiner states that Kramer addresses real property. Applicants respectfully disagree. Kramer is concerned with consumer marketing and models and does not consider the specific issues associated with real property.

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TIC distinguishes between "facts" and "models" and allows targeting of content based on either or both. Facts include information obtained by direct observation, extracted from transaction reports, or supplied by generic TIC fact databases. Examples of facts include information about individual transactions, statistical summaries of transactions (totals, averages, etc.), personal information obtained from forms, and generic contact, relationship and classification information about products and merchants. A targeting query based on facts might ask, for example, about purchases of particular products or classes of products from particular merchants or classes of merchants. A "model" means a theoretical or mathematical construct developed from facts and used to make conjectures and predictions about the consumer's current and/or future state and behavior. A consumer profile comprises the consumer model and a database including facts pertinent to the consumer. Within TIC, the function of a model is to predict the degree of appeal a given product has to a given consumer at a some time. Kramer, column 10, lines 25-45.

In Kramer, the modeling issues associated with consumer products do not translate to real property, which has an entirely different set of criteria to address. For example, real property information must deal with infrastructure records, business records, and maintenance records, which are unrelated to consumer products, and certainly not disclosed by Kramer. Hence, Kramer cannot be viewed as disclosing real property information organized into a plurality of records to aid in retrieval of the real property information based on specific requests therefor. Nonetheless, claim 9 expressly recites real property as including land and related structures and infrastructures and Kramer clearly makes no mention these real properties.

Applicants submit that Kramer, Roberts, and Ford, taken singularly or in combination, do not teach or suggest the steps of providing a first set of real properties selected from the

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portfolio of real properties, each real property within the first set contains the same types of real property information, determining a valuation of each of the portfolio of real properties, and offering the first set of real properties from the portfolio of real properties as collateral in a loan package such that a valuation of the set of real properties is at least equal to a value of the loan package. The Examiner notes Kramer's column 5, lines 28-61, as disclosing this feature. Applicants respectfully disagree. The noted text from Kramer states:

The present invention includes two major independent processes: interpretation and illumination.

Interpretation refers to the process of parsing and analyzing reports and other structured documents used by TIC to construct the personal database and models of the consumer. The data sources, on which the model is based, include any of the consumer's transaction reports which may be accessible to his local computing device either directly or via the network. Such reports may include credit card statements, bank statements, electronically presented bills, investment portfolios, medical reports, purchase receipts, tax forms, URL history files generated by the browser, forms filled in by the viewer and any other parsable and interpretable data about the consumer which may become available in electronic form. Since such reports provide generally accurate and very detailed data on a wide range of an individual's activities, both online and off-line, the models developed by TIC can be extremely accurate and complete.

Report formats, including information necessary for parsing the report data and using the data to update the user-model, may be self-describing, i.e. embedded as metadata in the form of annotation tags in the report itself, or indexed by report source in some globally accessible database managed by the TIC operator. Virtually any sufficiently structured document available to the user's

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device can serve as a data source for TIC. These could include databases, logs, and reports maintained and/or generated directly by the user himself or by software running on the user's computer. Examples include databases and reports generated by personal finances software, tax preparation software, loan applications, calendars, URL history files generated by web-browsers, listings of software residing on the user's computer, and reports of currently active processes and windows on the user's computer.

Because of the nature and level of detail of the information available in the TIC model, the user of TIC will require a high degree of privacy. The privacy that TIC provides is that no information collected, generated or inferred by TIC ever leaves the user's control. The data and inferences are used entirely on the user computer for the purpose of customizing and personalizing content for the user. With respect to TIC, personal information about the user only flows from external sources into the user computer (and the locally-controlled storage device). The user may use information presented by TIC to communicate back to content providers but that is done explicitly by the user independently of TIC. Kramer, column 5, line 28, through column 6, line 7.

The above text from Kramer discusses preparing reports and other structured documents to construct the personal database and models of the consumer. The text uses words like "loan applications" but only in the sense of what can be stored in the database. Kramer does not in any way teach the claimed features of providing a first set of real properties selected from the portfolio of real properties, determining a valuation of each of the portfolio of real properties, and then offering the first set of real properties from the portfolio of real properties as collateral in a loan package such that a valuation of the set of real properties is at least equal to a value of the loan package. Kramer makes no such organization of real properties and provides

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no means of making the valuation as collateral for a loan package. Contrary to the Examiner's statement, column 5, line 28, through column 6, line 7 of Kramer has no information about valuation of real property. Applicants maintain that the Examiner is misinterpreting the Kramer reference.

The Examiner relies on Roberts to show the claimed feature of selecting real properties to form a valuation with a predetermined threshold. Column 7, lines 6-22 of Roberts states:

5. The data processing system of claim 3, wherein the means for providing portfolio management data comprises:

means for determining the net change in asset position in response to information concerning the net amount of transactions, reinvestment cash flow from the portfolio, and actuarial data; and

means responsive to the net change in asset position determination and to data inputs concerning investment criteria and projected interest rates for selecting assets to be purchased or sold, and for evaluating the effect of the selected asset purchases or sales on the portfolio to identify selections which cause at least one of (a) the yield of the portfolio to be less than the future value escalation rate, and (b) the cash inflow from the portfolio to be less than the total of projected program payouts.

To the extent that a claim can provide prior art disclosure, claim 5 of Roberts merely states that some means determines the net change in asset position in response to information concerning the net amount of transactions, reinvestment cash flow from the portfolio, and actuarial data. The net change in asset position causes either the yield of the portfolio to be less than the future value escalation rate, or the cash inflow from the portfolio to be less than the total of projected program payouts. Roberts says nothing about providing a first

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set of real properties selected from the portfolio of real properties, determining a valuation of each of the portfolio of real properties, and offering the first set of real properties from the portfolio of real properties as collateral in a loan package such that a valuation of the set of real properties is at least equal to a value of the loan package. The concept of selecting real properties as collateral for a loan is completely absent from Roberts.

The Examiner's reliance on Ford to show a general log-in procedure to view data is not relevant in view of the fact that Kramer and Roberts fail to disclose the other features of claim 9.

Therefore, claim 9 is believed to patentably distinguish over the prior art references of record, taken singularly or in combination. Claims 10, 11, 12, 16, 18, and 27 are believed to be in condition for allowance as each is dependent from an allowable base claim.

Applicants have amended claim 19 to recite a method of compiling real property information from a central database comprising the steps of providing a first set of real properties selected from a portfolio of real properties. The real property includes land and related structures and infrastructures. The method further includes the steps of providing access to a website for a user, determining a valuation of each of the portfolio of real properties, offering the first set of real properties from the portfolio of real properties as collateral in a loan package such that a valuation of the set of real properties is at least equal to a value of the loan package, and retrieving real property information related to the set of real properties from the central database in response to selections

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made by the user. The real property information is organized into a plurality of records to aid in retrieval of the real property information based on specific requests therefor. The method further includes the step of displaying the real property information retrieved from the central database on the website.

Applicants submit that Kramer, Roberts, and Ford, taken singularly or in combination, do not teach or suggest the step of providing a first set of real properties selected from a portfolio of real properties. The real property includes land and related structures and infrastructures. As discussed above in the arguments of claim 9, Kramer is concerned with consumer marketing and models and does not consider the specific issues associated with real property. In Kramer, the modeling issues associated with consumer products does not translate to the real properties of claim 19, which has an entirely different set of criteria to address. For example, real property information must deal with infrastructure records, business records, and maintenance records, which are unrelated to consumer products, and certainly not disclosed by Kramer. Hence, Kramer cannot be viewed as disclosing real property information organized into a plurality of records to aid in retrieval of the real property information based on specific requests therefor. Nonetheless, claim 19 expressly recites real property as including land and related structures and infrastructures and Kramer clearly makes no mention these real properties.

Applicants submit that Kramer, Roberts, and Ford, taken singularly or in combination, do not teach or suggest the steps of determining a valuation of each of the portfolio of real properties, and offering the first set of real properties from the portfolio of real properties as collateral in a loan package



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such that a valuation of the set of real properties is at least equal to a value of the loan package. As discussed above in the arguments of claim 9, Kramer discusses preparing reports and other structured documents to construct the personal database and models of the consumer. The text uses words like "loan applications" but only in the sense of what can be stored in the database. Kramer does not in any way teach the claimed features of determining a valuation of each of the portfolio of real properties, and offering the first set of real properties from the portfolio of real properties as collateral in a loan package such that a valuation of the set of real properties is at least equal to a value of the loan package. Kramer makes no such organization of real properties and provides no means of making the valuation as collateral for a loan package.

The Examiner relies on Roberts to show the claimed feature of selecting real properties to form a valuation with a predetermined threshold. Claim 5 of Roberts merely states that some means determines the net change in asset position in response to information concerning the net amount of transactions, reinvestment cash flow from the portfolio, and actuarial data. The net change in asset position causes either the yield of the portfolio to be less than the future value escalation rate, or the cash inflow from the portfolio to be less than the total of projected program payouts. Roberts says nothing about determining a valuation of each of the portfolio of real properties, and offering the first set of real properties from the portfolio of real properties as collateral in a loan package such that a valuation of the set of real properties is at least equal to a value of the loan package. The concept of

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selecting real properties as collateral for a loan is completely absent from Roberts.

The Examiner's reliance on Ford to show a general log-in procedure to view data is not relevant in view of the fact that Kramer and Roberts fail to disclose the other features of claim 19.

Therefore, claim 19 is believed to patentably distinguish over the prior art references of record, taken singularly or in combination. Claims 20-24 and 28 are believed to be in condition for allowance as each is dependent from an allowable base claim.

Applicants have amended claim 25 to recite a computer system for managing real property comprising means for providing a first set of real properties selected from a portfolio of real properties. The real property includes land and related structures and infrastructures. The computer system further includes means for providing access to a website for a user, means for determining a valuation of each of the portfolio of real properties, means for offering the first set of real properties from the portfolio of real properties as collateral in a loan package such that a valuation of the set of real properties is at least equal to a value of the loan package, and means for retrieving real property information related to the set of real properties from the central database in response to selections made by the user. The real property information is organized into a plurality of records to aid in retrieval of the real property information based on specific requests therefor. The computer system further includes means for displaying the real property information retrieved from the central database on the website.

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Applicants submit that Kramer, Roberts, and Ford, taken singularly or in combination, do not teach or suggest means for providing a first set of real properties selected from a portfolio of real properties. The real properties include land and related structures and infrastructures. As discussed above in the arguments of claim 9, Kramer is concerned with consumer marketing and models and does not consider the specific issues associated with real property. In Kramer, the modeling issues associated with consumer products does not translate to the real properties of claim 25, which has an entirely different set of criteria to address. For example, real property information must deal with infrastructure records, business records, and maintenance records, which are unrelated to consumer products, and certainly not disclosed by Kramer. Hence, Kramer cannot be viewed as disclosing real property information organized into a plurality of records to aid in retrieval of the real property information based on specific requests therefor. Nonetheless, claim 25 expressly recites real property as including land and related structures and infrastructures and Kramer clearly makes no mention these real properties.

Applicants submit that Kramer, Roberts, and Ford, taken singularly or in combination, do not teach or suggest the means for determining a valuation of each of the portfolio of real properties, and means for offering the first set of real properties from the portfolio of real properties as collateral in a loan package such that a valuation of the set of real properties is at least equal to a value of the loan package. As discussed above in the arguments of claim 9, Kramer discusses preparing reports and other structured documents to construct the personal database and models of the consumer. The text uses

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words like "loan applications" but only in the sense of what can be stored in the database. Kramer does not in any way teach the claimed features of determining a valuation of each of the portfolio of real properties, and offering the first set of real properties from the portfolio of real properties as collateral in a loan package such that a valuation of the set of real properties is at least equal to a value of the loan package. Kramer makes no such organization of real properties and provides no means of making the valuation as collateral for a loan package.

The Examiner relies on Roberts to show the claimed feature of selecting real properties to form a valuation with a predetermined threshold. Claim 5 of Roberts merely states that some means determines the net change in asset position in response to information concerning the net amount of transactions, reinvestment cash flow from the portfolio, and actuarial data. The net change in asset position causes either the yield of the portfolio to be less than the future value escalation rate, or the cash inflow from the portfolio to be less than the total of projected program payouts. Roberts says nothing about determining a valuation of each of the portfolio of real properties, and offering the first set of real properties from the portfolio of real properties as collateral in a loan package such that a valuation of the set of real properties is at least equal to a value of the loan package. The concept of selecting real properties as collateral for a loan is completely absent from Roberts.

The Examiner's reliance on Ford to show a general log-in procedure to view data is not relevant in view of the fact that

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Kramer and Roberts fail to disclose the other features of claim 25.

Therefore, claim 25 is believed to patentably distinguish over the prior art references of record, taken singularly or in combination. Claims 26 and 29 are believed to be in condition for allowance as each is dependent from an allowable base claim.

Applicants believe that all information and requirements for the application have been provided to the USPTO. If there are matters that can be discussed by telephone to further the prosecution of the Application, Applicants invite the Examiner to call the undersigned attorney at the Examiner's convenience.

The Commissioner is hereby authorized to charge any fees due with this Response to U.S. PTO Account No. 17-0055.

Respectfully submitted,  
QUARLES & BRADY LLP

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